UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,649	12/29/2000	Ashok Singhal	M-8495 US	9244

32566 7590 02/12/2007

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER	
NGUYEN, STEVE N	
ART UNIT	PAPER NUMBER
2138	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/751,649	SINGHAL ET AL.	
	Examiner	Art Unit	
	Steve Nguyen	2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 10-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 10-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3 and 10-13 are currently pending.

Claim Objections

2. In view of the applicant's remarks, all objections in the prior Office Action are withdrawn.

Terminal Disclaimer

3. The terminal disclaimer filed on 12/26/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent 6,973,484 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

4. Applicant's arguments filed 12/26/2006 have been fully considered but they are not persuasive.

Applicant argues that Steely does not disclose an inter-node DMA transfer from a local node to a remote node.

The Examiner disagrees. Steely teaches an inter-node transfer of data from a local node to a remote node in col. 2, lines 20-28. The transfer is a DMA transfer

because a DMA operation is performed on the received data at a local memory channel adapter as detailed col. 7, lines 26-32.

The phrase "DMA transfer" as claimed is given its broadest reasonable interpretation and plain meaning as outlined in MPEP 2111. The American Heritage College Dictionary, 4th Edition defines "transfer" as: "To convey or cause to pass from one place, person, or thing to another." The term "DMA" is a modifier used to further qualify the meaning of "transfer". Since Steely teaches performing a DMA operation at a remote node on data received from a local node, the definition is satisfied and the claim limitation is met. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues that neither Liepa nor the other cited references disclose the entire memory word is copied from a local node to a remote node instead of copying only the new data from the local node to the remote node.

The Examiner would like to note that the system of Liepa is directed to the transmission and reception of an entire memory word. Liepa teaches in col. 8, lines 10-14 that the entire word 56 (see Fig. 2) is provided to the data processing system. Liepa is concerned with achieving flexibility by proposing variable length memory words in systems with fixed data word length (col. 1, lines 10-25). Therefore when a variable length data is written according to Liepa, the entire data word must be transferred in order to maintain compatibility.

The Examiner disagrees with the Applicant and maintains all rejections of claims 1-6 and 10-12. All amendments and arguments by the Applicant have been considered. It is the Examiner's conclusion that claims 1-6 and 10-12 are not patentably distinct or non-obvious over the prior art of record. Therefore, the rejection is maintained.

Claims 12 and 13 are non-compliant. The claims were amended, but do not show the correct status identifier, strikethrough, or underlining. Applicant did not provide any argument regarding claim 12 other than the arguments provided for claim 1. Therefore claim 12 is rejected for at least the same reasons as claim 1. As per claim 13, a new ground of rejection has been provided for the sake of furthering prosecution.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-3, 10, and 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Steely, Jr. et al (US Pat. 6,049,889; hereafter referred to as Steely) in view of Grivna (US Pat. 5,850,556) in view of Liepa et al (US Pat. 4,520,439; hereinafter referred to as Liepa).

As per claims 1-3, 10, and 12:

See the Non-Final Action filed 7/24/2006 for a detailed action of prior rejections.

As per claim 13:

Steely teaches writing to the remote node in col. 4, lines 16-21. Liepa teaches using a same address offset of the line of memory at a local memory of the local node (col. 7, lines 63-67; Fig. 2, bit offset A).

6. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Steely in view of Grivna in view of Liepa as applied to claim 1 above, and further in view of Gunsaulus et al (US Pat. 5,914,970; hereinafter referred to as Gunsualus).

See the Non-Final Action filed 7/24/2006 for a detailed action of prior rejections.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Nguyen whose telephone number is (571) 272-7214. The examiner can normally be reached on M-F, 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steve Nguyen
Examiner
Art Unit 2138

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100